

JOURNAL OF THE SENATE

EIGHTY-SEVENTH SESSION

SIXTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, February 7, 2012

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Rolly Kemink, followed by the Pledge of Allegiance led by Senate page Zane Frederick.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the fifteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Bob Gray, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Health and Human Services respectfully reports that it has had under consideration SB 176 and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Health and Human Services respectfully reports that it has had under consideration SB 177 and returns the same with the recommendation that said bill be amended as follows:

177ja

On page 2, line 15, of the printed bill, after "general" insert "or pediatric".

177jta

On page 1, line 2, of the printed bill, after "physician" insert ", the midlevel,".

And that as so amended said bill do pass.

Also MR. PRESIDENT:

The Committee on Health and Human Services respectfully reports that it has had under consideration SB 74, 119, and 173 which were deferred to the 41st Legislative Day.

Respectfully submitted,
Jean M. Hunhoff, Chair

Also MR. PRESIDENT:

The Committee on Education respectfully reports that it has had under consideration SB 186 and returns the same with the recommendation that said bill be amended as follows:

186ca

On page 1, line 6, of the printed bill, overstrike everything after "," and insert "or a nonpublic school".

On page 1, line 7, overstrike "with chapter 13-4".

1 On page 1, line 13, delete "materials." and insert "and digital materials."

2 On page 1, line 14, delete everything before "All".

3 186cta

4 On page 1, line 2, of the printed bill, delete ", electronic, and internet-based".

5 And that as so amended said bill do pass.

6 Also MR. PRESIDENT:

7 The Committee on Education respectfully reports that it has had under consideration
8 SB 191 and returns the same with the recommendation that said bill be amended as follows:

9 191ca

10 On page 5, line 12, of the printed bill, after "institution" insert "to cease its operations in
11 the state. If a complaint relates to a postsecondary institution".

12 And that as so amended said bill do pass.

13 Respectfully submitted,
14 J. Mark Johnston, Chair

15 Also MR. PRESIDENT:

16 The Committee on Commerce and Energy respectfully reports that it has had under
17 consideration SB 87 and returns the same with the recommendation that said bill do pass.

18 Also MR. PRESIDENT:

19 The Committee on Commerce and Energy respectfully reports that it has had under
20 consideration SB 145 and returns the same with the recommendation that said bill be amended
21 as follows:

22 145ja

23 On page 1, line 8, of the printed bill, after "written" insert "storm damage repair".

24 On page 1, line 8, delete everything after "contract" and insert "to obtain or".

1 On page 1, line 12, after "the" insert "owner's".

2 On page 2, line 6, after "contract" insert ", subject to the payment of the reasonable
3 documented restocking fee by the third party supplier of the roofing materials, and the payment
4 of the agreed upon or reasonable cost of any emergency repairs already performed by the
5 contractor".

6 And that as so amended said bill do pass and be placed on the consent calendar.

7 Also MR. PRESIDENT:

8 The Committee on Commerce and Energy respectfully reports that it has had under
9 consideration the nomination of David S. Pummel of Butte County, Belle Fourche, South
10 Dakota, to the Housing Development Authority and returns the same with the recommendation
11 that the Senate advise and consent to the confirmation of said appointment and be placed on the
12 Consent Calendar.

13 Also MR. PRESIDENT:

14 The Committee on Commerce and Energy respectfully reports that it has had under
15 consideration the nomination of Robert H. Hartford of Hughes County, Pierre, South Dakota,
16 to the South Dakota Lottery Commission and returns the same with the recommendation that
17 the Senate advise and consent to the confirmation of said appointment and be placed on the
18 Consent Calendar.

19 Also MR. PRESIDENT:

20 The Committee on Commerce and Energy respectfully reports that it has had under
21 consideration the nomination of James R. Peterson of Deuel County, Reville, South Dakota, to
22 the South Dakota Lottery Commission and returns the same with the recommendation that the
23 Senate advise and consent to the confirmation of said appointment and be placed on the Consent
24 Calendar.

25 Also MR. PRESIDENT:

26 The Committee on Commerce and Energy respectfully reports that it has had under
27 consideration the nomination of Doyle D. Estes of Pennington County, Hill City, South Dakota,
28 to the South Dakota Lottery Commission and returns the same with the recommendation that
29 the Senate advise and consent to the confirmation of said appointment and be placed on the
30 Consent Calendar.

1 Also MR. PRESIDENT:

2 The Committee on Commerce and Energy respectfully reports that it has had under
3 consideration SB 97 which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Tom Nelson, Chair

6 Also MR. PRESIDENT:

7 The Committee on Agriculture and Natural Resources respectfully reports that it has had
8 under consideration SB 169 and returns the same with the recommendation that said bill be
9 amended as follows:

10 169ta

11 On page 1, after line 15 of the printed bill, insert:

12 "Section 2. That chapter 46A-14 be amended by adding thereto a NEW SECTION to read
13 as follows:

14 There is hereby established the Regional Watershed Advisory Task Force. The task force
15 shall consist of the following fourteen members:

- 16 (1) The speaker of the House of Representatives shall appoint four members of the
17 House of Representatives, no more than two of whom may be from one political
18 party;
19 (2) The speaker of the House of Representatives shall appoint three members of the
20 general public. At least one of the members shall have a background in natural
21 resources law, science, or management, and at least one of the members shall have
22 an agricultural or business background;
23 (3) The president pro tempore of the Senate shall appoint four members of the Senate,
24 no more than two of whom may be from one political party; and
25 (4) The president pro tempore of the Senate shall appoint three members of the general
26 public. At least one of the members shall have a background in natural resources law,
27 science, or management, and at least one of the members shall have an agricultural
28 or business background.

29 The initial appointments shall be made no later than July 1, 2012, and shall serve until
30 January 12, 2013. The speaker of the House of Representatives and president pro tempore of the
31 Senate, before the close of each regular session of the Legislature held in odd-numbered years,
32 shall appoint members to the task force for a term of two years. If there is a vacancy on the task
33 force, the vacancy shall be filled in the same manner as the original appointment.

Section 3. That chapter 46A-14 be amended by adding thereto a NEW SECTION to read as follows:

The Regional Watershed Advisory Task Force established pursuant to section 2 of this Act shall advise the James River Watershed District created pursuant to section 1 of this Act and any other new or existing watershed district created pursuant to chapter 46A-14 on matters relating to drainage, erosion, flood control, reclamation, environmental protection, and improvement of lands, soils, waters, and all other authorized purposes. In addition, the task force shall consider potential alternative organizational structures and entities appropriate to address such issues. The task force shall report to the Senate and House of Representatives and may submit a copy of its report to the Governor. The task force may present draft legislation and policy recommendations to the Legislative Research Council Executive Board. The task force shall make recommendations in the following areas:

- (1) The proper role, purposes, structure, powers, boundaries, and financing for regional and local watershed districts and the relationship of such districts to other types of water and natural resources-related special purpose districts;
- (2) The role of watershed districts and other state and local government entities with respect to drainage issues, including drainage planning and management, resolution of drainage disputes, and recommendations for potential realignment of responsibilities for drainage matters; and
- (3) Potential alternative organizational structures, entities, and strategies appropriate to address statewide, regional, and local issues relating to water and natural resources conservation, protection, management, and use."

169tta

On page 1, line 1, of the printed bill, after "districts" insert "and to establish the Regional Watershed Advisory Task Force".

And that as so amended said bill do pass.

Also MR. PRESIDENT:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration SB 160 which was deferred to the 41st Legislative Day.

Respectfully submitted,
Shantel Krebs, Chair

1 Also MR. PRESIDENT:

2 The Committee on Judiciary respectfully reports that it has had under consideration
3 SB 132, 133, 134, and 135 which were deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Craig Tieszen, Chair

6 Also MR. PRESIDENT:

7 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
8 and Enrolling has carefully compared SB 63 and 64 and finds the same correctly enrolled.

9 Also MR. PRESIDENT:

10 The Committee on Legislative Procedure respectfully reports that SB 2, 6, 21, and 24 were
11 delivered to his Excellency, the Governor, for his approval at 9:00 a.m., February 7, 2012.

12 Respectfully submitted,
13 Bob Gray, Chair

14 **MESSAGES FROM THE HOUSE**

15 MR. PRESIDENT:

16 I have the honor to transmit herewith HB 1017, 1117, 1128, 1131, 1153, 1157, 1162, 1172,
17 1178, 1223, and 1263 which have passed the House and your favorable consideration is
18 respectfully requested.

19 Also MR. PRESIDENT:

20 I have the honor to return herewith SB 63 and 64 which have passed the House without
21 change.

22 Respectfully,
23 Karen Gerdes, Chief Clerk

24 **MOTIONS AND RESOLUTIONS**

25 Sen. Olson moved that SB 128 be referred from the Committee on State Affairs to the
26 Committee on Local Government.

1 Which motion prevailed.

2 Sen. Olson moved that SB 71 be deferred to Thursday, February 9, the 18th legislative day.

3 Which motion prevailed.

4 Sen. Olson moved that SB 25, 46, 142, and 162 be deferred to Wednesday, February 8, the
5 17th legislative day.

6 Which motion prevailed.

7 SCR 3 Introduced by: Senators Hunhoff (Jean), Cutler, Frerichs, Hansen (Tom), Haverly,
8 Holien, Johnston, Kraus, Krebs, Nelson (Tom), Olson (Russell), Peters, Putnam, Rampelberg,
9 Rave, Schlekeway, Tidemann, Tieszen, and Vehle and Representatives Boomgarden, Abdallah,
10 Brunner, Conzet, Cronin, Dryden, Fargen, Gibson, Gosch, Hansen (Jon), Hawley, Hickey,
11 Hoffman, Hunt, Kirkeby, Kirschman, Kopp, Liss, Lucas, Lust, Moser, Novstrup (David), Olson
12 (Betty), Scott, Sigdestad, Solum, Steele, Street, Stricherz, Tulson, Turbiville, Van Gerpen,
13 Verchio, White, Wick, and Willadsen

14 A CONCURRENT RESOLUTION, Designating the month of November as COPD Awareness
15 Month in the State of South Dakota.

16 WHEREAS, Chronic Obstructive Pulmonary Disease (COPD) is a term used to describe
17 airflow obstruction that is associated mainly with emphysema and chronic bronchitis; and

18 WHEREAS, COPD affects an estimated twenty-four million people and kills more than one
19 hundred twenty thousand Americans every year; on average, one person dies from COPD every
20 four minutes, an alarming statistic for a disease many have not learned about; and

21 WHEREAS, in 2008 COPD became the third leading cause of death in the United States;
22 and

23 WHEREAS, pulmonary experts predict that by the year 2020, COPD will become the
24 leading cause of death worldwide; and

25 WHEREAS, COPD currently accounts for one million five hundred thousand emergency
26 department visits, seven hundred twenty-six thousand hospitalizations, and eight million
27 physician office and hospital outpatient visits, all of which are a detriment to the United States
28 economy; COPD costs the nation an estimated forty-nine billion nine hundred million dollars
29 in direct and indirect medical costs annually; and

30 WHEREAS, chronic lower respiratory disease, which includes COPD and asthma,
31 accounted for six and two-fifths percent of the 2010 South Dakota resident deaths; and

1 WHEREAS, there were over fifty-seven thousand hospitalizations for acute respiratory
2 diseases in South Dakota between 2000-2009 for residents sixty-five years of age and older; and

3 WHEREAS, the American Lung Association in South Dakota is implementing the South
4 Dakota COPD Strategic Plan, a state-wide effort to increase early detection, improve care and
5 treatment, and prevent and reduce the prevalence of the disease; and

6 WHEREAS, research has identified a hereditary protein deficiency called Alpha-1
7 Antitrypsin; people with this deficiency tend to develop COPD, even without exposure to
8 smoking or environment triggers; and

9 WHEREAS, recently the death rate for women with COPD has surpassed the death rate of
10 men with COPD; women over the age of forty are the fastest-growing segment of the population
11 developing this irreversible disease, due in large part to the equalization of opportunities for
12 men and women to smoke over the past several generations; and

13 WHEREAS, there is currently no cure for COPD; spirometry testing and medical treatments
14 exist to address symptom relief and possibly slow the progression of the disease; and

15 WHEREAS, until there is a cure, the best approaches to preventing COPD and its
16 considerable health, societal, and mortality impacts lie with education, awareness, and expanded
17 delivery of detection and management protocols:

18 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-seventh Legislature
19 of the State of South Dakota, the House of Representatives concurring therein, that we designate
20 the month of November as COPD Awareness Month in the State of South Dakota in recognition
21 of this deadly disease and its effects on the citizens of this state.

22 Was read the first time, the President waived the referral to committee, and placed SCR 3
23 on the calendar of Wednesday, February 8, the 17th legislative day.

24 HCR 1005: A CONCURRENT RESOLUTION, Urging Congress to clearly delegate
25 responsibility for the regulation of hydraulic fracturing to the states.

26 Was read the second time.

27 Sen. Schlekeway moved that the Senate do concur in HCR 1005 as found on page 273 of
28 the House Journal.

29 The question being on Sen. Schlekeway's motion that HCR 1005 be concurred in.

30 And the roll being called:

31 Yeas 32, Nays 3, Excused 0, Absent 0

1 Yeas:

2 Adelstein; Begalka; Brown; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly; Heineman;
3 Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Maher; Nelson (Tom);
4 Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden;
5 Schlekeway; Sutton; Tidemann; Tieszen; Vehle

6 Nays:

7 Bradford; Buhl; Hundstad

8 So the motion having received an affirmative vote of a majority of the members-elect, the
9 President declared the motion carried and HCR 1005 was concurred in.

10 **CONSIDERATION OF REPORTS OF COMMITTEES**

11 Sen. Olson moved that the reports of the Standing Committees on

12 Local Government on SB 70 as found on page 274 of the Senate Journal; also

13 Transportation on SB 81 as found on page 272 of the Senate Journal; also

14 Transportation on SB 113 as found on page 273 of the Senate Journal; also

15 State Affairs on SB 161 as found on page 275 of the Senate Journal; also

16 State Affairs on SB 168 as found on page 275 of the Senate Journal; also

17 Transportation on HB 1154 as found on page 273 of the Senate Journal be adopted.

18 Which motion prevailed.

19 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

20 HB 1017: FOR AN ACT ENTITLED, An Act to authorize the Bureau of Administration
21 to construct a maintenance shop in Pierre, to make an appropriation therefor, and to declare an
22 emergency.

23 Was read the first time and referred to the Committee on Appropriations.

24 HB 1117: FOR AN ACT ENTITLED, An Act to provide for the taking of muskrats by
25 shooting under certain conditions.

26 Was read the first time and referred to the Committee on Agriculture and Natural
27 Resources.

1 HB 1128: FOR AN ACT ENTITLED, An Act to require the Board of Education to conduct
2 public hearings before adopting certain standards.

3 Was read the first time and referred to the Committee on Education.

4 HB 1131: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
5 posting of public notice for meetings of public bodies.

6 Was read the first time and referred to the Committee on Local Government.

7 HB 1153: FOR AN ACT ENTITLED, An Act to revise and clarify certain provisions
8 relating to the revocation of fur dealer licenses.

9 Was read the first time and referred to the Committee on Agriculture and Natural
10 Resources.

11 HB 1157: FOR AN ACT ENTITLED, An Act to repeal the Governor's authority to enter
12 the Midwestern Regional Higher Education Compact on behalf of the state, to repeal the
13 Midwestern Regional Higher Education Compact, to provide for withdrawal of South Dakota
14 from the compact.

15 Was read the first time and referred to the Committee on Appropriations.

16 HB 1162: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
17 platting and annexation of subdivisions.

18 Was read the first time and referred to the Committee on Local Government.

19 HB 1172: FOR AN ACT ENTITLED, An Act to exempt certain developer-installed storm
20 sewer detention ponds from public procurement bid requirements.

21 Was read the first time and referred to the Committee on Local Government.

22 HB 1178: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
23 disposal of local government property.

24 Was read the first time and referred to the Committee on Local Government.

25 HB 1223: FOR AN ACT ENTITLED, An Act to exempt from sales tax certain handling
26 fees paid by religious organizations to approved relief agencies for the distribution of food

1 which is provided for the assistance or relief of the poor, distressed, or underprivileged through
2 food giveaway programs.

3 Was read the first time and referred to the Committee on Taxation.

4 HB 1263: FOR AN ACT ENTITLED, An Act to provide for mandatory HIV testing for
5 any person convicted of prostitution or solicitation of prostitution and to provide for appropriate
6 utilization of the test results.

7 Was read the first time and referred to the Committee on Health and Human Services.

8 **SECOND READING OF CONSENT CALENDAR ITEMS**

9 SB 137: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
10 application for absentee voting.

11 Was read the second time.

12 The question being "Shall SB 137 pass?"

13 And the roll being called:

14 Yeas 35, Nays 0, Excused 0, Absent 0

15 Yeas:

16 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
17 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
18 Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam;
19 Rampelberg; Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

20 So the bill having received an affirmative vote of a majority of the members-elect, the
21 President declared the bill passed and the title was agreed to.

22 SB 107: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
23 personalized motor vehicle license plates.

24 Was read the second time.

25 The question being "Shall SB 107 pass?"

26 And the roll being called:

27 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
3 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
4 Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam;
5 Rampelberg; Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

6 So the bill having received an affirmative vote of a majority of the members-elect, the
7 President declared the bill passed and the title was agreed to.

8 HB 1077: FOR AN ACT ENTITLED, An Act to authorize municipalities to establish
9 incidental accounts.

10 Was read the second time.

11 The question being "Shall HB 1077 pass?"

12 And the roll being called:

13 Yeas 35, Nays 0, Excused 0, Absent 0

14 Yeas:

15 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
16 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
17 Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam;
18 Rampelberg; Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 President declared the bill passed and the title was agreed to.

21 HB 1094: FOR AN ACT ENTITLED, An Act to require the filing of certain documents
22 relating to the vacation, location, or changing of highways with the register of deeds.

23 Was read the second time.

24 The question being "Shall HB 1094 pass?"

25 And the roll being called:

26 Yeas 35, Nays 0, Excused 0, Absent 0

27 Yeas:

28 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
29 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
30 Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam;
31 Rampelberg; Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

4 SB 127: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
5 educational data reporting.

6 Was read the second time.

7 The question being "Shall SB 127 pass as amended?"

8 And the roll being called:

9 Yeas 34, Nays 1, Excused 0, Absent 0

10 Yeas:

11 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
12 Haverly; Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman;
13 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
14 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

15 Nays:

16 Hundstad

17 So the bill having received an affirmative vote of a majority of the members-elect, the
18 President declared the bill passed and the title was agreed to.

19 SB 141: FOR AN ACT ENTITLED, An Act to revise the legal definition of the term,
20 domestic abuse.

21 Was read the second time.

22 The question being "Shall SB 141 pass as amended?"

23 And the roll being called:

24 Yeas 34, Nays 0, Excused 1, Absent 0

25 Yeas:

26 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
27 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
28 Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Peters; Putnam; Rampelberg; Rave;
29 Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

1 Excused:
2 Olson (Russell)

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 President declared the bill passed and the title was agreed to.

5 SB 156: FOR AN ACT ENTITLED, An Act to establish strangulation as one element of
6 the crime of aggravated assault.

7 Was read the second time.

8 The question being "Shall SB 156 pass as amended?"

9 And the roll being called:

10 Yeas 34, Nays 0, Excused 1, Absent 0

11 Yeas:
12 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
13 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
14 Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Peters; Putnam; Rampelberg; Rave;
15 Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

16 Excused:
17 Olson (Russell)

18 So the bill having received an affirmative vote of a majority of the members-elect, the
19 President declared the bill passed and the title was agreed to.

20 SB 99: FOR AN ACT ENTITLED, An Act to prohibit certain licensees or employees of
21 a licensed establishment who have been charged with certain felony offenses from entering the
22 licensed premises and to provide a penalty therefor.

23 Was read the second time.

24 The question being "Shall SB 99 pass as amended?"

25 And the roll being called:

26 Yeas 34, Nays 0, Excused 1, Absent 0

27 Yeas:
28 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
29 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
30 Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Peters; Putnam; Rampelberg; Rave;
31 Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

1 Excused:
2 Olson (Russell)

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 President declared the bill passed and the title was agreed to.

5 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

6 HB 1069: FOR AN ACT ENTITLED, An Act to increase the amount of income and
7 principal of a perpetual fund used to maintain a cemetery.

8 Was read the second time.

9 1069ra

10 Sen. Nygaard moved that HB 1069 be amended as follows:

11 On page 1 of the printed bill, delete lines 6 to 10, inclusive, and insert:

12 "(1) To establish a perpetual fund ~~of which only the income shall to~~ be used in purchasing
13 equipment, constructing buildings and facilities, hiring staff, and otherwise
14 maintaining, caring for, ornamenting, beautifying, and improving its grounds;
15 buildings, and facilities. The income and no more than six percent of the principal in
16 a perpetual fund may be used annually for these purposes; and".

17 Which motion prevailed.

18 The question being "Shall HB 1069 pass as amended?"

19 And the roll being called:

20 Yeas 17, Nays 18, Excused 0, Absent 0

21 Yeas:
22 Adelstein; Cutler; Fryslie; Gray; Hansen (Tom); Haverly; Hunhoff (Jean); Kraus; Krebs;
23 Lederman; Nygaard; Olson (Russell); Putnam; Rhoden; Schlekeway; Tidemann; Tieszen

24 Nays:
25 Begalka; Bradford; Brown; Buhl; Frerichs; Heineman; Holien; Hundstad; Johnston; Juhnke;
26 Maher; Nelson (Tom); Novstrup (Al); Peters; Rampelberg; Rave; Sutton; Vehle

27 So the bill not having received an affirmative vote of a majority of the members-elect, the
28 President declared the bill lost.

1 Sen. Nygaard announced his intention to reconsider the vote by which HB 1069 lost.

2 **SIGNING OF BILLS**

3 The President publicly read the title to

4 SB 63: FOR AN ACT ENTITLED, An Act to revise the term of service of regional railroad
5 authority commissioners.

6 SB 64: FOR AN ACT ENTITLED, An Act to revise provisions regulating the perfection
7 of security interest liens filed on-line.

8 And signed the same in the presence of the Senate.

9 **COMMEMORATIONS**

10 SC 8 Introduced by: Senator Rampelberg and Representative Verchio

11 A LEGISLATIVE COMMEMORATION, Honoring Cheryl Wait of the city of Hot Springs as
12 2011 Municipal Finance Officer of the Year.

13 WHEREAS, for more than thirty-five years, Cheryl Wait has been essential in helping the
14 city of Hot Springs operate efficiently and honestly throughout; and

15 WHEREAS, Cheryl Wait daily shows her concern for her city, its citizens, and its
16 employees; and

17 WHEREAS, Cheryl Wait has delivered helpful, knowledgeable assistance to citizens and
18 elected officials alike; and

19 WHEREAS, Cheryl Wait has worked with eight mayors and countless city council members
20 and has enjoyed the mix of personalities that each brought to city council chambers; and

21 WHEREAS, Cheryl Wait is a friend and mentor to municipal finance officers throughout
22 the state:

23 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of
24 the State of South Dakota, that Cheryl Wait is honored as 2011 Municipal Finance Officer of
25 the Year.

26 SC 9 Introduced by: Senator Gray and Representatives Perry and Venner

27 A LEGISLATIVE COMMEMORATION, Honoring Mayor Laurie Gill of Pierre as the 2011
28 winner of the South Dakota Municipal League Excellence in Municipal Government Award.

1 WHEREAS, Mayor Gill is an outstanding city leader and mayor who is not only an asset
2 to her city, but all municipalities in the state of South Dakota; and

3 WHEREAS, Mayor Gill is a strong advocate for South Dakota, providing an example of
4 leadership, commitment, volunteerism, and giving back to one's community; and

5 WHEREAS, Mayor Gill's activity with her municipalities has expanded to service to all the
6 cities in South Dakota; and

7 WHEREAS, in 2011, Mayor Gill's calm professionalism led her city through one of the
8 worst disasters in its history, with no loss of life:

9 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of
10 the State of South Dakota, that Mayor Laurie Gill is recognized for her Excellence in Municipal
11 Government Award for her service to her state and her community.

12 Sen. Kraus moved that the Senate do now adjourn, which motion prevailed and at
13 3:21 p.m. the Senate adjourned.

14 Fee Jacobsen, Secretary